THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 14171 of 1994

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DATED: 18.11.2005

Between:

The APSRTC National Mazdoor Union,

Nidadavolu Depot, Rep., by its Depot Secretary,

P. Janardhan Rao.

… PETITIONER

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AND

The APSRTC, rep., by its Managing Director,

Mushirabad, Hyderabad & another.

… RESPONDENTS

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THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14171 of 1994

ORDER:-

This writ petition is filed by the National Mazdoor Union, representing a group of workmen seeking a Mandamus to declare the order passed by the 2nd

respondent through proceedings, dated 30.07.1994, imposing the penal wage cut for eight days from the salary of the employees shown at Sl.Nos.1, 2, 5, 6, 7, 8 and 9 from their wages for the month of July 1994 payable on 01.081994, as illegal, unjust and contrary to the provisions of Payment of Wages Act.

The 2nd respondent passed an order, dated 30.07.1994, ordering stoppage of wages for eight days on the ground that the abovementioned workmen participated in illegal strike. The petitioner being aggrieved by the said order filed this writ petition by contending that the order passed by the 2nd respondent under the Payment of Wages Act 1936 (for short "the Act") is not sustainable since it is not applicable to the workmen who are drawing more than Rs.1,600/- per month.

Learned counsel for the petitioner contended that since the workmen mentioned herein were drawing wages more than Rs.1,600/- per month, the 2nd respondent is not expected to pass the impugned order, therefore, it is liable to be set aside.

Learned counsel for the respondents submitted that as on the date of impugned proceedings, the workmen were drawing salary more than Rs.1,600/- per month.

Learned counsel for the petitioner relied on a judgment of this Court in ***TYRE RETREADING SHOP COMMITTEE v APSRTC & OTHERS*** wherein a learned single judge of this Court held that the Corporation has no authority in law to act against its own employees, who are drawing wages of Rs.1,600/- or more per month under the Payment of Wages Act 1936.

In the light of the provisions of the Act and in the light of the above decision, I am inclined to hold that the order of the 2nd respondent, dated 30.07.1994 cannot be sustained under the Act.

In the result, the writ petition is allowed and the impugned order of the 2nd respondent, dated 30.07.1994, is set aside. However, it is for the respondents to go for the remedy, if any, available under law. No order as to costs.

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18.11.2005

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